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General Assembly

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Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Czech Republic, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Monaco, New Zealand, Norway, Portugal, the Republic of Korea, Romania, San Marino, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government, and therefore expressing its grave concern that the Government of Myanmar has still not implemented its commitment to take all necessary steps towards democracy in light of the results of the elections held in 1990,

Recalling its resolution 54/186 of 17 December 1999, and Commission on Human Rights resolution 1992/58 of 3 March 1992[3] in which the Commission, inter alia, decided to nominate a special rapporteur with a given mandate, and resolution

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

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2000/23 of 18 April 2000[4] in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Still gravely concerned at the deterioration of the human rights situation in Myanmar, especially at the unabated suppression of the exercise of political rights and freedom of thought, expression, association and movement in Myanmar, as reported by the Special Rapporteur, and deeply concerned that new obstacles have been placed on Aung San Suu Kyi and other National League for Democracy members,

Also gravely concerned that the legal system is effectively used as an instrument of oppression and at the increasing intimidation and detention of lawyers,

Recognizing that the systematic violations of civil, political, economic, social and cultural rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Noting with interest the two recent visits to Myanmar by the Special Envoy of the Secretary-General and the cooperation extended by the Government of Myanmar in that regard,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, who still has not been invited to Myanmar, despite assurances by the Government of Myanmar last year that they would seriously consider a visit,

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[5] and calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

2. *Urges* the Government of Myanmar to cooperate fully and without further delay with the Special Rapporteur, and to allow him urgently, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, thus enabling him fully to discharge his mandate;

3. *Notes with satisfaction* the continued cooperation with the International Committee of the Red Cross, allowing the International Committee to communicate with and visit detainees in accordance with its modalities of work, and hopes that the programme will be pursued further;

4. *Deplores* the continuing violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, including the use of children, forced relocation, and denial of freedom of assembly, association, expression and movement, as reported by the Special Rapporteur;

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[4] Ibid., *2000, Supplement No. 3* (E/2000/23).

[5] A/55/359.

5. *Expresses its grave concern* at the increasingly systematic policy of the Government of Myanmar to persecute the democratic opposition, National League for Democracy members, sympathizers and their families, and ethnic opposition parties, and at the use by the Government of intimidatory methods such as arbitrary arrest and detention and abuse of the legal system, including harsh long-term prison sentences, mass rallies and media campaigns, which have forced many to refrain from exercising their legitimate political rights;

6. *Urges* the Government of Myanmar to cease, without delay, all activities aimed at preventing the free exercise of internationally recognized human rights, including freedom of association, assembly, movement and speech, and in particular to remove all restrictions on the freedom of movement of Aung San Suu Kyi's and other National League for Democracy members and on their freedom to communicate with the outside world;

7. *Strongly urges* the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, including journalists, to ensure their physical integrity, and to permit them to participate in the process of national reconciliation;

8. *Expresses its concern* that the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and urges the Government of Myanmar to seek new and constructive ways to promote national reconciliation, and to restore democracy, through, inter alia, the establishment of a time frame for action;

9. *Strongly urges* the Government of Myanmar, taking into account the assurances it has given on various occasions, to take all necessary steps towards the restoration of democracy, in accordance with the will of the people, as expressed in the democratic elections held in 1990 and, to that end, without delay, to engage in a substantive political dialogue with political leaders, including Aung San Suu Kyi, and representatives of ethnic groups and, in that context, notes the existence of the Committee representing the People's Parliament;

10. *Notes with grave concern* that the Government of Myanmar has failed to cease its widespread and systematic use of forced labour of its own people or to implement any of the three recommendations of the International Labour Organization on that issue; this failure has compelled the International Labour Organization strictly to limit further cooperation with the Government and has prompted the International Labour Conference to adopt, subject to certain conditions, a number of measures to secure compliance by the Government of Myanmar with the recommendations of the Commission of Inquiry established to examine the observance of the Forced Labour Convention, 1930 (No. 29);

11. *Takes note* of the recent visit by the technical cooperation mission of the International Labour Organization to Myanmar and the cooperation extended to the mission, while awaiting the result of the mission;

12. *Strongly urges* the Government of Myanmar fully to implement concrete legislative, executive and administrative measures to eradicate the practice of forced labour, in conformity with the relevant recommendations of the Commission of Inquiry;

13. *Welcomes* the reopening of most university courses but remains concerned that the right to education continues to be a right that is exercised only by those willing to refrain from exercising their civil and political rights and concerned at the reduction in the length of the academic year, the division and separation of the student population to distant campuses, and the lack of adequate resources;

14. *Deplores* the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, use of anti-personnel land mines, destruction of crops and fields, and dispossession of land and property, which deprives these persons of all means of subsistence and results in large-scale displacement of persons and flows of refugees to neighbouring countries, thus causing negative effects for these countries, and an increasing number of internally displaced persons;

15. *Urges* the Government of Myanmar to end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration in conditions of safety and dignity, and to allow the safe and unhindered access of humanitarian personnel to assist in the return and reintegration process;

16. *Also deplores* the continuing violations of the human rights of women, especially women who are refugees, are internally displaced or belong to ethnic minorities or the political opposition, in particular forced labour, trafficking, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;[5]

17. *Strongly urges* the Government of Myanmar to implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women, and to carry out human rights education and gender-sensitization training, in particular for military personnel;

18. *Deplores* the recruitment of children as soldiers, in particular children belonging to ethnic minorities, and strongly urges the Government of Myanmar and all other parties to the hostilities in Myanmar to end the use of children as soldiers;

19. *Expresses its concern* at the growing incidence of HIV/AIDS infection and urges the Government of Myanmar urgently to address this issue which will have a serious long-term impact on the development of the Union of Myanmar, and to ensure that the health system receives sufficient funding to enable health workers to meet the rights of all people to the highest possible standard of health care;

20. *Expresses its grave concern* at the high rates of malnutrition among pre-school-aged children, which constitute serious violations of their rights to adequate food and the highest attainable standard of health, and may have serious repercussions for the health and development of the affected children;

21. *Strongly urges* the Government of Myanmar to ensure full respect for all human rights and fundamental freedoms, including economic and social rights, and to fulfil its obligation to restore the independence of the judiciary and due process and to end the impunity of and bring to justice any perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

22. *Welcomes* the report of the Secretary-General on the visit of his Special Envoy to Myanmar,[6] endorses the appeal of the Special Envoy for the initiation of a process of dialogue that would lead to national reconciliation, and supports his efforts to achieve such a dialogue;

23. *Requests* the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, to submit additional reports to the General Assembly during its fifty-fifth session on the progress of these discussions, and to report to the Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-seventh session on the progress made in the implementation of the present resolution;

24. *Decides* to continue its consideration of this question at its fifty-sixth session.

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[6] A/55/___.

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Fifty-fifth session
Third Committee
Agenda item 114 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Australia, Canada, Costa Rica, Hungary, Iceland, Japan, Monaco, New Zealand, Norway and Romania: draft resolution

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[3] including part III thereof, relating to human rights,

Recalling also its resolution 54/171 of 17 December 1999, Commission on Human Rights resolution 2000/79 of 26 April 2000[4] and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility

[1] General Assembly resolution 217 A (III).
[2] General Assembly resolution 2200 A (XXI), annex.
[3] A/46/608-S/23177; see *Official Records of the Security Council, Forty-sixth Year, Supplement for October, November and December 1991*, document S/23177.
[4] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

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for past international crimes, such as acts of genocide and crimes against humanity during the regime of Democratic Kampuchea from 1975 to 1979,

Bearing in mind the request in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council[5] and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the discussions held between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Takes note with appreciation* of the report of the Secretary-General concerning the situation of human rights in Cambodia;[6]

3. *Requests* the Government of Cambodia and the office in Cambodia of the United Nations High Commissioner for Human Rights to exchange the memorandum of understanding for the extension of the mandate of the office after March 2000, and encourages the Government of Cambodia to continue to cooperate with the office;

4. *Commends and expresses its deep appreciation* for the work of the former Special Representative of the Secretary-General for human rights in Cambodia, Mr. Thomas Hammarberg, in promoting and protecting human rights in Cambodia;

5. *Welcomes* the appointment by the Secretary-General of Mr. Peter Leuprecht as his new Special Representative for human rights in Cambodia, and requests the Special Representative, in collaboration with the Office of the United Nations High Commissioner, to continue the work of his predecessors through

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[5] A/53/850-S/1999/231; see *Official Records of the Security Council, Fifty-fourth Year, Supplement for January, February and March 1999*, document S/1999/231.

[6] A/55/291.

evaluation of the extent to which the recommendations in his forthcoming reports, and those contained in the reports of his predecessors, are followed up and implemented, while maintaining contact with the Government and people of Cambodia;

6. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary, including interference by the executive with the independence of the judiciary, inter alia, through rearrests, and welcomes statements by the Government committing itself to judicial reform, the work currently being done to prepare the laws and codes that are essential components of the basic legal framework, meetings of the Supreme Council of Magistracy and the establishment of the Council of Judicial Reform;

7. *Urges* the Government of Cambodia to continue to take the necessary measures to develop an independent, impartial and effective judicial system, inter alia, through the early adoption of the draft statute on magistrates, a penal code and a code on criminal procedures, and the reform of the administration of justice, and appeals to the international community to assist the Government to this end;

8. *Welcomes* the draft Governance Action Plan by the Government of Cambodia, encourages its early adoption and implementation, and appeals to the international community to assist the Government in its efforts to implement the Plan;

9. *Commends* the initial efforts by the Government of Cambodia with regard to the review and the stated commitment to the downsizing of the police and the military, urges the Government of Cambodia to take further measures to carry out effective reform aimed towards professional and impartial police and military forces, and invites the international community to continue to assist the Government to this end;

10. *Recognizes* the importance of human rights education and training in Cambodia, commends the efforts by the Government of Cambodia, the Office of the United Nations High Commissioner for Human Rights and civil society in this field, encourages further strengthening and wider dissemination of these programmes, and invites the international community to continue to assist these efforts;

11. *Commends* the vital and valuable role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to continue to work closely and cooperatively with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia;

12. *Notes with interest* the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, and welcomes preliminary efforts to establish an independent national human rights commission which should be based on international standards, such as the principles relating to the status of national institutions for the promotion and protection of human rights ("Paris principles"),[7] and requests the Office of the High Commissioner to continue to provide advice and technical assistance in these efforts;

[7] See General Assembly resolution 48/134, annex.

13. *Expresses grave concern* about continued violations of human rights, including torture, extrajudicial killings, excessive pre-trial detention, violation of labour rights, illegal confiscation of land and forced relocation, as well as the apparent lack of protection from mob killings as detailed in the report of the Special Representative to the Commission on Human Rights at its fifty-sixth session,[8] and notes some progress made by the Government of Cambodia in addressing these issues;

14. *Expresses serious concern* about the continued prevalence of impunity in Cambodia, commends the initial commitment and efforts of the Government of Cambodia to tackle this question, and calls upon the Government to take further measures, as a matter of critical priority, to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated violations of human rights;

15. *Welcomes* the investigations into some cases of politically motivated violence, while remaining concerned at the continued reports of politically motivated violence and intimidation, and urges the Government of Cambodia to undertake further investigations in line with its stated commitments, and to take appropriate measures to prevent politically motivated violence and intimidation in the future;

16. *Also welcomes* the commitment and efforts by the Government of Cambodia with respect to tackling the question of human rights violations, and notes with interest the investigations undertaken by the governmental Cambodian Human Rights Committee and by the National Police in order to bring to justice those responsible for those violations, and to ensure security of persons and rights of association, assembly and expression;

17. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, welcomes the final collapse of the Khmer Rouge, which has paved the way for the restoration of peace, stability and national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge, and notes with interest the progress made by the Government of Cambodia in bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights;

18. *Welcomes* the successful conclusion of the talks between the Government of Cambodia and the United Nations Secretariat on the question of the trial of the Khmer Rouge leaders who are most responsible for the most serious violations of human rights, appeals strongly to the Government of Cambodia to ensure, inter alia, through facilitating expedited completion of necessary legislative process as soon as possible, that those Khmer Rouge leaders are brought to account in accordance with international standards of justice, fairness and due process of law, encourages the Government to continue to cooperate with the United Nations on this issue, and welcomes the efforts of the Secretariat and the international community in assisting the Government to this end;

19. *Reaffirms* the importance of the upcoming communal elections' being conducted in a free and fair manner, takes note with interest of the draft legislations for preparing for communal elections, and urges the Government of Cambodia to continue to prepare for them accordingly;

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[8] E/CN.4/2000/109.

20. *Welcomes* the initial progress made under the five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's and Veteran's Affairs, to improve the status of women, and urges the Government of Cambodia to continue to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms, including grave violations of the rights of women perpetrated by elements of law enforcement and armed forces personnel, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women,[9] inter alia, by seeking technical assistance;

21. *Calls upon* the Government of Cambodia to continue to take further measures to ensure adequate health conditions, with emphasis on ensuring adequate health conditions for women and children and minority groups and on the problem of human immunodeficiency virus/acquired immunodeficiency syndrome, and encourages the international community to continue to support the Government to this end;

22. *Commends* the continued efforts of the Government of Cambodia, together with non-governmental organizations, local authorities and United Nations bodies, to improve the quality of and access to education, and calls for further measures to be taken in order to ensure the right of Cambodian children to education, especially at the primary level, in accordance with the Convention on the Rights of the Child,[10] and requests the international community to provide assistance for the achievement of this goal;

23. *Welcomes* the signing of the United Nations inter-agency Memorandum of Understanding with the Ministry of the Interior on Law Enforcement against Sexual Exploitation of Children, and encourages the Government of Cambodia to ensure the necessary law enforcement and other measures in order to tackle the problem of child prostitution and trafficking in Cambodia;

24. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to ensure adequate health and safety conditions for children and to outlaw, in particular, the worst forms of child labour, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government of Cambodia to consider ratifying International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

25. *Also notes with serious concern* the prison conditions in Cambodia, notes with interest some improvements in the prison system, commends the continued international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take the further measures necessary to improve prison conditions, especially with regard to providing the minimum standard of food and health care and meeting the special needs of women and children, inter alia, through strengthening of the coordination role of the Prison Health Department with the Ministry of Health, provincial authorities and non-governmental organizations working in this field;

26. *Urges* an end to racial violence against and vilification of ethnic minorities, including the ethnic Vietnamese, and also urges the Government of

[9] General Assembly resolution 34/180, annex.

[10] General Assembly resolution 44/25, annex.

Cambodia to prevent such violence, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,[11] inter alia, through seeking technical assistance;

27. *Welcomes* the actions taken by the Government of Cambodia to combat illicit logging, which has seriously threatened full enjoyment of economic, social and cultural rights by many Cambodians, including indigenous people, expects these efforts by the Government of Cambodia to continue, and welcomes the progress made on the drafting of the new land law;

28. *Also welcomes* the consideration of the initial report of Cambodia under the Convention on the Rights of the Child by the Committee on the Rights of the Child, asks the Government of Cambodia to follow up the recommendations made by the international human rights treaty bodies regarding the reports submitted by the Government of Cambodia, calls upon the Government to meet its reporting obligations under all other international human rights instruments, and requests the office of the United Nations High Commissioner for Human Rights in Cambodia to continue to provide assistance in this regard;

29. *Expresses grave concern* at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support for and efforts towards the removal of these mines and for victim assistance and mine awareness programmes, and commends donor countries and other actors of the international community for their contributions and assistance to mine action;

30. *Expresses concern* about the large number of small arms in society and commends the efforts by the Government of Cambodia to control the spread of weapons;

31. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund;

32. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

33. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-sixth session under the item entitled "Human rights questions".

[11] General Assembly resolution 2106 A (XX), annex.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Andorra, Armenia, Australia, Austria, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, India, Ireland, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mali, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Promoting and consolidating democracy

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations and reaffirming also that everyone is entitled to all rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as set forth in the Universal Declaration of Human Rights,[1]

Taking note of Commission on Human Rights resolutions 1999/57 of 27 April 1999[2] and 2000/47 of 25 April 2000,[3]

Recognizing the indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights and in the international human rights treaties and the foundation of any democratic society and reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human

[1] Resolution 217 A (III).
[2] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.
[3] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

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Rights,[4] which states that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that all peoples have the right of self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,

Recalling also that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights recommended that priority should be given to national and international action to promote democracy, development and human rights and that the international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world,

Recalling further its resolution 53/243 of 13 September 1999 containing the Declaration and Programme of Action for a Culture of Peace,

Recognizing and respecting the rich and diverse nature of the community of the world's democracies, which arise out of all of the world's social, cultural and religious beliefs and traditions,

Also recognizing that, while all democracies share common features, there is no one universal model of democracy,

Reaffirming its commitment to the process of democratization of States, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that good governance, as referred to in the United Nations Millennium Declaration,[5] is among the indispensable factors for building and strengthening peaceful, prosperous and democratic societies,

Aware of the crucial importance of the active involvement and contribution of civil society in processes of governance that affect the life of people,

Recalling commitments undertaken by Member States for the promotion of democracy and the rule of law, within the framework of the United Nations and other international organizations,

Welcoming measures such as resolution 1080 of the Organization of American States, decision 141/XXXV of the Organization of African Unity and the Moscow Document adopted in 1991 by the Conference on the Human Dimension of the Conference for Security and Cooperation in Europe, which commit Member States to take certain steps in the event of an interruption of democratic government, as well as the 1991 Harare Commonwealth Declaration,[6] which commits members to fundamental democratic principles,

Commending the wish of an increasing number of countries all over the world to devote their energy, means and political will to the building of democratic societies where individuals have the opportunity to shape their own destiny,

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[4] A/CONF.157/24 (Part I), chap. III.

[5] Resolution 55/2.

[6] A/46/708, annex.

Noting the initiatives taken by the countries that participated in the first, second and third International Conferences of New or Restored Democracies, held respectively in Manila in June 1988, in Managua in July 1994 and in Bucharest in September 1997,

Noting also the ministerial conference entitled "Towards a Community of Democracies", hosted by Poland, in Warsaw, on 26 and 27 June 2000,

Noting further that the Fourth International Conference of New or Restored Democracies is scheduled to be held in Cotonou, Benin, from 4 to 6 December 2000, the initiative of the Government of Mali to host, in Bamako, from 1 to 3 November 2000, following the Moncton Declaration adopted in September 1999 at Moncton, Canada, by the Eighth Summit of la Francophonie,[7] an international symposium at the ministerial level on the practices of democracy in the francophone areas,

1. *Calls upon* States to promote and consolidate democracy, inter alia, by:

(a) Promoting pluralism, the protection of all human rights and fundamental freedoms, maximizing the participation of individuals in decision-making and the development of effective public institutions, including an independent judiciary, accountable legislature and public service and an electoral system that ensures periodic, free and fair elections;

(b) Promoting, protecting and respecting all human rights, including the right to development, and fundamental freedoms, in particular:

(i) Freedom of thought, conscience, religion, belief, peaceful assembly and association, as well as freedom of expression, freedom of opinion, and free, independent and pluralistic media;

(ii) The rights of persons belonging to national, ethnic, religious or linguistic minorities, including the right to freely express, preserve and develop their identity without any discrimination and in full equality before the law;

(iii) The rights of indigenous people;

(iv) The rights of children, the elderly and persons with physical or mental disabilities;

(v) By actively promoting gender equality with the aim of achieving full equality between men and women;

(vi) By considering becoming parties to international human rights instruments;

(vii) By fulfilling their obligations under international human rights instruments to which they are parties;

(c) Strengthening the rule of law by:

(i) Ensuring equality before the law and equal protection under the law;

(ii) Ensuring the right to liberty and security of person, to equal access to justice, and to be brought promptly before a judge or other officer authorized by law to exercise judicial power in the case of detention, to avoid arbitrary arrest;

[7] A/54/453, annex I.

(iii) Guaranteeing the right to a fair trial;

(iv) Ensuring due process of law and the right to be presumed innocent until proven guilty in a court of law;

(v) Promoting the independence and integrity of the judiciary and, by means of appropriate education, selection, support and allocation of resources, strengthening its capacity to render justice with fairness and efficiency, free from improper or corrupt outside influence;

(vi) Guaranteeing that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person;

(vii) Ensuring appropriate civil and administrative remedies and criminal sanctions for violations of human rights, as well as effective protection for human rights defenders;

(viii) Including human rights education in the training for civil servants, law enforcement and military personnel;

(ix) Ensuring that the military remains accountable to democratically elected civilian government;

(d) Developing, nurturing and maintaining an electoral system that provides for the free and fair expression of the people's will through genuine and periodic elections, in particular by:

(i) Guaranteeing that everyone can exercise his or her right to take part in the government of his or her country, directly or through freely chosen representatives;

(ii) Guaranteeing the right to vote freely and to be elected in a free and fair process at regular intervals, by universal and equal suffrage, open to multiple parties, conducted by secret ballot;

(iii) Taking measures, as appropriate, to address the representation of under-represented segments of society;

(iv) Ensuring, through legislation, institutions and mechanisms, the freedom to form democratic political parties that can participate in elections, as well as the transparency and fairness of the electoral process, including through appropriate access to funds and free, independent and pluralistic media;

(e) Creating and improving the legal framework and necessary mechanisms for enabling the wide participation of all members of civil society in the promotion and consolidation of democracy, by:

(i) Respecting the diversity of society by promoting associations, dialogue structures, mass media and their interaction as a means of strengthening and developing democracy;

(ii) Fostering, through education and other means, awareness and respect for democratic values;

(iii) Respecting the right to freedom of peaceful assembly and the exercise of the right to freely form, join and participate in non-governmental organizations or associations, including trade unions;

(iv) Guaranteeing mechanisms for the involvement and contribution of civil society in processes of governance and encouraging cooperation between local authorities and non-governmental organizations;

(v) Providing or improving the legal and administrative framework for non-governmental, community-based and other civil society organizations;

(vi) Promoting civic education and education on human rights, inter alia, in cooperation with organizations of civil society;

(f) Strengthening democracy through good governance by, inter alia:

(i) Improving the transparency of public institutions and policy-making procedures and enhancing the accountability of public officials;

(ii) Taking legal, administrative and political measures against corruption, including by disclosing and investigating and punishing all those involved in acts of corruption as well as by criminalizing payment of commissions and bribes to public officials;

(iii) Bringing government closer to the people by appropriate levels of devolution;

(iv) Promoting the widest possible public access to information about the activities of national and local authorities, as well as ensuring access by all to administrative remedies, without discrimination;

(v) Fostering high levels of competence, ethics and professionalism within the civil service, and its cooperation with the public, inter alia, by providing appropriate training for members of the civil service;

(g) Strengthening democracy by promoting sustainable development, in particular by:

(i) Taking effective measures aimed at the progressive realization of economic, social and cultural rights, such as the right to education and the right to a standard of living adequate for health and well-being, including food, clothing, housing and medical care and necessary social services, individually and through international cooperation;

(ii) Also taking effective measures aimed at overcoming social inequalities and eliminating poverty;

(iii) Promoting economic freedom and social development and pursuing active policies to provide opportunities for productive employment and sustainable livelihoods;

(iv) Ensuring equal access to economic opportunities and equal pay and other rewards for work of equal value;

(v) Creating a legal and regulatory framework with a view to promoting sustained economic growth and sustainable development;

(h) Enhancing social cohesion and solidarity by:

(i) Developing and strengthening institutional and educational capabilities, at the local and national levels, to resolve conflicts and disputes peacefully,

including through mediation, and to prevent and eliminate the use of violence in addressing societal tensions and disagreements;

(ii) Improving social protection systems and ensuring access for all to basic social services;

(iii) Encouraging social dialogue and tripartite cooperation with respect to labour relations among government, trade unions and employer organizations, as reflected in the International Labour Organization core Conventions;

2. *Requests* the Secretary-General to disseminate the present resolution on the widest possible basis.

United Nations A/C.3/55/L.41

General Assembly

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Fifty-fifth session
Third Committee
Agenda item 114 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Monaco, New Zealand, Netherlands, Norway, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling, article 18 of the Universal Declaration of Human Rights,[1] and article 18 of the International Covenant on Civil and Political Rights,[2]

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.

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Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the United Nations Millennium Declaration,[3] in particular its paragraph 4,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, and in public or private,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[4]

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on religious intolerance to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,[5]

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of his or her religion or belief, deprived of the right to life or the right to liberty and security of person, or subjected to torture or arbitrary arrest or detention;

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[3] Resolution 55/2.

[4] A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

[5] E/CN.4/1994/79, para. 103.

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if those limitations that are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. *Urges* States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

7. *Calls upon* all States to recognize, as provided for in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

8. *Expresses its grave concern* at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert the utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

9. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief, and that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

10. *Takes note with appreciation* the interim report of the Special Rapporteur of the Commission on Human Rights on religious intolerance,[6] and encourages the continued efforts on the part of the Special Rapporteur, who was appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

11. *Welcomes* the decision of the Commission on Human Rights in resolution 2000/33 of 20 April 2000[7] to change the title of the Special Rapporteur from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief;

12. *Takes note* of the study presented by the Special Rapporteur to the meeting of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in May, and encourages the Special Rapporteur to continue to contribute to the preparations for the

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[6] A/55/280 and Add.1 and 2.

[7] *Official Records of the Economic and Social Council, 2000, Supplement No. 23* (E/2000/23), chap. II., sect. A.

Conference, which is to be held in Durban, South Africa, in 2001, on matters relating to religious intolerance that have a bearing on the World Conference;

13. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

14. *Welcomes* the initiatives of Governments and non-governmental organizations to collaborate with the Special Rapporteur, including through the convening of an international consultative conference on school education in relation to freedom of religion or belief, to be held in Madrid in November 2001, and encourages Governments, non-governmental organizations and other interested parties to participate actively in that conference;

15. *Also encourages* Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

16. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation and dissemination of the Declaration, and also encourages their work in relation to promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

17. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

18. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable him to fully discharge his mandate;

20. *Decides* to consider the question of the elimination of all forms of religious intolerance at its fifty-sixth session under the item entitled "Human rights questions".

United Nations A/C.3/55/L.42

General Assembly

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Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and special representatives

Austria, Belgium, Bosnia and Herzegovina, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Liechtenstein, Luxembourg, Portugal, Romania, Slovenia, Sweden, Turkey and United States of America: draft resolution

Situation of human rights in parts of South-eastern Europe

A
Situation of human rights in Bosnia and Herzegovina

The General Assembly,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 2000/26 of 18 April 2000,[1] and all Security Council resolutions and statements,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[2] the International Covenants on Human Rights[3] and other human rights instruments, the 1951 Convention relating to the Status of Refugees,[4] the Geneva Conventions of 12 August 1949 for the protection of victims of war[5] and the Additional Protocols thereto, of 1977,[6] and the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions,

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[1] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.
[2] Resolution 217 A (III).
[3] Resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 189, No. 2545.
[5] Ibid., vol. 75, Nos. 970-973.
[6] Ibid., vol. 1125, Nos. 17512 and 17513.

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Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[7] which, inter alia, committed the parties in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect human rights fully, in particular issues surrounding the return of refugees,

Also expressing its support for the democratic forces and non-governmental organizations in the promotion and protection of human rights and in strengthening civil society, and notes in this regard the opportunities afforded by the Stability Pact for South-East Europe,

Noting the importance of the respect for the rights of all persons belonging to minorities,

Welcoming all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the Special Rapporteur and other parts of the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 2000,

1. *Reiterates* its call for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement")[7] by all parties;

2. *Stresses* the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of all parties under the Peace Agreement to comply with international human rights law and to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms, including the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, freedom of expression, freedom of association, including with respect to political parties, freedom of religion and freedom of movement;

3. *Also stresses* the need for enhanced international efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and with dignity;

4. *Condemns* the growing problem of trafficking in women in the region, and calls upon all concerned authorities to combat actively this criminal practice;

5. *Urges* all States and parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal those indicted persons present in their territories or under their control;

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[7] S/1995/999; see *Official Record of the Security Council, Fiftieth Year, Supplement for October, November, and December 1995*.

6. *Notes* that varying degrees of progress have been made in the human rights situation in all States and by all parties to the Peace Agreement, but that substantial efforts remain to be made in several areas;

7. *Reiterates* its call upon all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in developing civilian structures;

8. *Notes* the progress made by Bosnia and Herzegovina in the implementation of the Peace Agreement;

9. *Also notes* the progress made with regard to refugee returns, while calling upon all authorities actively to support the return process for minority refugees and internally displaced persons, including through the eviction of illegal occupants of internally displaced persons and refugee housing, particularly in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation with a majority population of Bosnian Croats;

10. *Welcomes* the Bosnia and Herzegovina Constitutional Court's "Constituent Peoples" decision which reflects the commitment of the Republic of Bosnia and Herzegovina to meet the highest standards of human rights and fundamental freedoms;

11. *Condemns* the harassment of returning minority refugees and internally displaced persons, including the destruction of their homes, particularly in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation with a majority population of Bosnian Croats;

12. *Condemns* recurrent instances of religious discrimination and the denial to religious minorities of their rights to rebuild religious sites, in particular in the territory of the Republika Srpska;

13. *Condemns* the manipulation of the press by political parties and government officials, including the selective application of slander and tax laws to harass journalists and editors;

14. *Calls upon* all authorities in Bosnia and Herzegovina, particularly those within the Republika Srpska, to cooperate fully with the International Tribunal for the Former Yugoslavia;

15. *Also calls upon* the authorities of Bosnia and Herzegovina, including those of the Republika Srpska and the Federation:

(a) To implement the decisions of the High Representative and to fulfil their obligations under the Peace Agreement and Peace Implementation Council declarations;

(b) To implement the decisions of the Commission on Human Rights for Bosnia and Herzegovina, the Office of the Human Rights Ombudsman and the Human Rights Chamber, and the decisions of the Commission for Real Property Claims;

(c) To establish a fully staffed and funded judiciary which effectively protects the rights of all citizens;

(d) To adopt an effective and fair election law, in cooperation with the Organization for Security and Cooperation in Europe;

(e) To implement fully all the provisions of the New York Declaration adopted on 14 November 1999;[8]

(f) To support the work of the common institutions and fully implement the actions mandated by the Peace Implementation Council ministerial meeting held in Brussels on 23 and 24May 2000.

B

The situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 2000/26 of 18 April 2000,[1] and all Security Council resolutions and statements,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[2] the International Covenants on Human Rights[3] and other human rights instruments, the 1951 Convention relating to the Status of Refugees,[4] the Geneva Conventions of 12 August 1949 for the protection of victims of war[5] and the Additional Protocols thereto, of 1977,[6] and the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[7] which, inter alia, committed the parties in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect human rights fully, in particular issues surrounding the return of refugees,

Also expressing its support for the democratic forces and non-governmental organizations in the promotion and protection of human rights and in strengthening civil society, and notes in this regard the opportunities afforded by the Stability Pact for South-East Europe,

Welcoming the admission of the Federal Republic of Yugoslavia (Serbia and Montenegro) into the framework of the Stability Pact for South-East Europe at the extraordinary session of the Pact's Regional Table, held in Bucharest on 26 October 2000,

Noting the importance of the respect for the rights of all persons belonging to minorities,

Welcoming all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the Special Rapporteur and other parts of the United Nations, the Organization for Security and Cooperation in

[8] S/1999/1179, annex.

Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 2000,

1. *Reiterates* its call for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement")[7] by all parties;

2. *Stresses* the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of all parties under the Peace Agreement to comply with international human rights law and to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms, including the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, freedom of expression, freedom of association, including with respect to political parties, freedom of religion and freedom of movement;

3. *Also stresses* the need for enhanced international efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and with dignity;

4. *Condemns* the growing problem of trafficking in women in the region, and calls upon all concerned authorities to combat actively this criminal practice;

5. *Urges* all States and parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council Resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal those indicted persons present in their territories or under their control;

6. *Notes* that varying degrees of progress have been made in the human rights situation in all States and by all parties to the Peace Agreement, but that substantial efforts remain to be made in several areas;

7. *Reiterates* its call upon all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in developing civilian structures;

8. *Welcomes* the political change following the recent elections in the Federal Republic of Yugoslavia (Serbia and Montenegro), which shows the clear decision of the people to choose democracy, respect for human rights and integration into the international community over dictatorship and isolation, and looks forward to the new authorities ensuring respect for the rule of law and for the promotion and protection of human rights;

9. *Also welcomes* the admission of the Federal Republic of Yugoslavia (Serbia and Montenegro) to membership in the United Nations;

10. *Further welcomes* the commitment of and encourages efforts by the new democratic authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to investigate past abuses of human rights, including violations of

human rights of ethnic groups in Kosovo, the repression and harassment of peaceful political activists, illegal and/or hidden detentions, and other violations of human rights and fundamental freedoms;

11. *Also welcomes* the appointment of the Special Envoy on persons deprived of liberty in connection with the Kosovo Crisis in the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls upon all authorities to cooperate with the Special Envoy;

12. *Further welcomes* the commitment of the new democratic authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to promote and protect free and independent media, and looks forward to welcoming the repeal of any laws which hinder the full and free exercise of human rights and fundamental freedoms in the Federal Republic of Yugoslavia (Serbia and Montenegro);

13. *Calls upon* all authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the rights of all persons belonging to any of its national or ethnic, religious and linguistic minorities;

14. *Welcomes* the commitment by the Federal Republic of Yugoslavia (Serbia and Montenegro) to implement fully and in good faith its obligations under the Peace Agreement and to abide by the terms of Security Council resolution 1244 (1999) of 10 June 1999, and calls upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons, to protect them, and to assist their voluntary return to their homes in safety and with dignity;

15. *Encourages* States to consider providing additional voluntary contributions to support the new democratic authorities to meet the pressing human rights and humanitarian needs in the area;

16. *Calls upon* all authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to comply with their obligations to cooperate fully with the International Tribunal for the Former Yugoslavia.

Section C
The situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[2] the International Covenants on Human Rights[3] and other human rights instruments,

Taking note of Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999, and the general principles annexed thereto, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at its fifty-fifth session, Commission on Human Rights resolutions 1998/79 of 22 April 1998[9] and 1999/2 of 13 April 1999,[10] and the

[9] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[10] Ibid., *1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

report of the United Nations High Commissioner for Human Rights to the Bureau of the Commission on Human Rights on the situation of human rights in Kosovo of 7 September 1999,

Recalling its condemnation of the Serbian military offensive against the civilian population of Kosovo, which resulted in war crimes and gross violations of international human rights and international humanitarian law inflicted upon the Kosovars,

Condemning all violations of human rights in Kosovo, that have affected all ethnic groups in Kosovo, in particular the harassment and murders of ethnic Serb, Roma and other minorities of Kosovo by ethnic Albanian extremists,

Expressing concern that the entire population of Kosovo has been affected by the conflict there and its aftermath, and stressing that each of the national, ethnic, religious or linguistic minorities there must benefit from their full and equal rights, without discrimination,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the detention in Serbia of political prisoners of Kosovar Albanian or other origins, in violation of international human rights law and standards, but welcoming the pledge of authorities there to abide by international norms in carrying out its judicial procedures in this and all other areas of judicial responsibility,

1. *Underlines* the obligation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to abide by the terms of Security Council resolution 1244 (1999) of 10 June 1999 and the general principles on the political solution to the Kosovo crisis adopted on 6 May 1999 and annexed to that resolution;

2. *Reaffirms* that the human rights and humanitarian situation in Kosovo shall be addressed within the framework of a political solution based and built upon the general principles as set out in and annexed to Security Council resolution 1244 (1999);

3. *Welcomes* the efforts of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Interim Administration Mission and the Kosovo Force in the fulfilment of their respective mandates;

4. *Encourages* States to consider providing additional voluntary contributions to support the United Nations Mission in Kosovo to meet the pressing administrative, human rights and humanitarian needs in the area;

5. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights in Kosovo, the Office of the United Nations High Commissioner for Refugees and the efforts of the Organization for Security and Cooperation in Europe;

6. *Recognizes* the strong efforts of the Interim Administration Mission, the United Nations Civilian Police and Kosovo Police Services in developing and training the core of a multi-ethnic local police force throughout Kosovo;

7. *Calls upon* all parties in Kosovo to cooperate with the Interim Administration Mission to ensure full respect for all human rights and fundamental freedoms and democratic norms in Kosovo;

8. *Urges* all parties in Kosovo to support and strengthen a multi-ethnic society in Kosovo that respects the rights of all persons belonging to minorities and that includes them in all provisional and new civil administration institutions in Kosovo, and to fully support the Interim Administration Mission in this regard;

9. *Welcomes* the recent holding of peaceful municipal elections, which is a landmark in Kosovo's democratic development and in the implementation of Security Council resolution 1244 (1999), and commends in this regard the support by all parties to the Interim Administration Mission's efforts;

10. *Commends* the Interim Administration Mission for its efforts to create an independent and impartial judiciary system in Kosovo, and urges all local Serb and Albanian leaders, and the leaders of other minorities in Kosovo to take all steps necessary to support these efforts;

11. *Calls upon* all local Kosovar officials, ethnic representatives and all individuals to respect the right to freedom of opinion and expression for all points of view, the right to a free, independent media and the right to freedom of religion;

12. *Also calls upon* the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), and the representatives of all ethnic groups in Kosovo to condemn all acts of terrorism, forced evictions from homes or places of work of any resident of Kosovo, whatever the victim's ethnic background and whoever the perpetrators, to refrain from all acts of violence and to use their influence and leadership to bring all parties to cooperate fully with the Kosovo Force and the Interim Administration Mission in stopping these incidents and in bringing the perpetrators to justice;

13. *Stresses* the importance of return of refugees and of all displaced persons of whatever ethnic background, and expresses its concern about reports of continuing harassment or other impediments in this regard;

14. *Also stresses* the importance and the responsibility of all parties in Kosovo to suppress all harassment of individuals or groups of any background and to create a secure environment that will allow all those who wish to remain in Kosovo a genuine possibility to do so, irrespective of ethnic origin;

15. *Further stresses* the urgent need for all ethnic groups to cooperate with the Interim Administration Mission and the Kosovo Force to rebuild and strengthen common institutions for all and to desist from creating any sort of parallel institutions;

16. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to release those persons detained and transferred from Kosovo to other parts of the Federal Republic of Yugoslavia (Serbia and Montenegro), or to specify the charge under which each individual is detained and to afford them due process of law, and to guarantee their families and non-governmental organizations and international observers unimpeded and regular access to those who remain in detention, and in this regard, welcomes as a first important step the release of the prominent human rights activist, Flora Brovina;

17. *Also calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), and all local Kosovo ethnic Serb and Albanian leaders to provide information on the fate and the whereabouts of the high number of missing persons from Kosovo, and encourages the International Committee of the Red Cross, in this regard, to continue its clarification efforts, in cooperation with other organizations, such as the Organization for Security and Cooperation in Europe;

18. *Expresses* its concern about the forced ethnic division of any part of Kosovo as counter to Security Council resolution 1244 (1999) and to the guiding principles of the Rambouillet accords, and stresses the need for all parties in Kosovo to take all necessary measures to prevent or reverse any action that de facto or de jure permits such ethnic cantonization;

19. *Condemns* all trafficking in women by any party in Kosovo, and calls upon the local authorities and the Interim Administration Mission to take all steps necessary to prevent and stop it;

20. *Requests* that the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue to monitor closely the situation of human rights in Kosovo, and to report his findings to the Commission on Human Rights at its fifty-seventh session and to the General Assembly at its fifty-sixth session;

21. *Decides* to continue its examination of this question at its fifty-sixth session under the item entitled "human rights questions".

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Agenda item 114 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998 by which it adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution,

Reiterating the importance of the Declaration and its promotion and implementation,

Welcoming the decision by the Commission on Human Rights requesting the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible ways to enhance their protection in full compliance with the Declaration,

Welcoming also the Secretary-General's appointment of a special representative on human rights defenders,

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Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

1. *Calls upon* all States to promote and give effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

2. *Invites* all Governments to cooperate with and assist the special representative in fulfilling her mandate;

3. *Requests* all concerned United Nations agencies and organizations to provide all possible assistance and support to the representative in the implementation of her programme of activities;

4. *Takes note* of the report of the Secretary-General on human rights defenders;[1]

5. *Calls upon* the Commission on Human Rights to consider at its fifty-seventh session the report to be prepared by the Special Representative of the Secretary-General pursuant to Commission resolution 2000/61;

6. *Decides* to consider this question at its fifty-sixth session, under the item entitled "Human rights questions".

[1] A/55/292.

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Agenda item 114 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia and Zimbabwe: draft resolution

Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights[1] fifty-two years ago, Member States pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

[1] General Assembly resolution 217 A (III).

00-72595 (E) 021100

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Universal Declaration of Human Rights, and should continue to attract the attention of the international community,

Convinced that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,[2]

Recalling also its resolution 53/142 of 9 December 1998 and Commission on Human Rights resolution 1999/74 of 28 April 1999,[3]

1. *Welcomes* the report of the Secretary-General;[4]

2. *Notes with appreciation* the increasing number of Member States seeking assistance in strengthening and consolidating the rule of law and the support provided to these States through the technical cooperation programme of the United Nations High Commissioner for Human Rights as outlined in the above-mentioned report of the Secretary-General;

3. *Praises* the efforts made by the Office of the United Nations High Commissioner for Human Rights to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. *Expresses its deep concern* at the scarcity of means at the disposal of the Office of the High Commissioner for the fulfilment of its tasks;

5. *Notes with concern* that the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends but are lacking the necessary means and resources;

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[2] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/55/177.

6. *Welcomes* the deepening of the ongoing cooperation between the Office of the High Commissioner and other relevant bodies and programmes of the United Nations system, with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law, and, in this context, notes the cooperation between the United Nations Development Programme and the Office of the High Commissioner in providing technical assistance, at the request of States, in the promotion of the rule of law;

7. *Affirms* that the United Nations High Commissioner for Human Rights remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

8. *Encourages* the United Nations High Commissioner for Human Rights to continue the dialogue between her Office and other organs and agencies of the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law and to promoting inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, inter alia, assistance to States in strengthening the rule of law;

9. *Also encourages* the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining the technical and financial means to strengthen the capacity of the Office of the High Commissioner to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

10. *Requests* the High Commissioner to continue to accord high priority to the technical cooperation activities undertaken by her Office with regard to the rule of law and to continue to act as a catalyst in the system by, inter alia, helping other United Nations agencies and programmes, within their respective mandates, to include in their work, as appropriate, attention to institution-building in the area of the rule of law;

11. *Requests* the Secretary-General to submit a report to the General Assembly at its fifty-seventh session on the implementation of the present resolution and the above-mentioned recommendation of the World Conference on Human Rights.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Bolivia, Cuba, El Salvador and Ghana: draft resolution

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declarations of Human Rights,[1]

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[2] family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling also its resolution 54/169 of 17 December 1999,

1. *Once again calls upon* all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. *Reaffirms* that all Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

[1] Resolution 217 A (III).

[2] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

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3. *Calls upon* all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. *Also calls upon* all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittance to relatives in the country of origin;

5. *Decides to continue* its consideration of this question at its fifty-seventh session, under the item entitled "Human rights questions".

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Agenda item 114 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Belarus: draft resolution

Human rights and scientific and technological progress

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and other international instruments relating to human rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993,[2]

Recalling also the provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind[3] and that the year 2000 marks the twenty-fifth anniversary of the above-mentioned Declaration,

Recalling further that the results of scientific and technological progress are to be used exclusively in the interest of international peace, for the benefit of humankind and for promoting and encouraging universal respect for human rights and fundamental freedoms, as enshrined in the Universal Declaration of Human Rights, the International Covenants on Human Rights[4] and other human rights international instruments,

Conscious that modern science and technology present the possibility of creating conditions for the prosperity of society and development of the human person,

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[1] Resolution 217 A (III).
[2] See A/CONF.157/24 (Part I), chap. III.
[3] Resolution 3384 (XXX).
[4] Resolution 2200 A (XXI), annex.

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Recognizing that everyone has the right to enjoy the benefits of scientific progress and its applications and that no individual and no nation must be denied the opportunity to benefit from development,

Aware of the rapid development of the life sciences, and seeking to promote scientific and technical progress in this field in a manner respectful of fundamental rights and for the benefit of all,

Noting with concern that often the achievements of scientific and technological progress, in particular the Internet, are used for the dissemination of information and propaganda of ideas that entail abuse of human rights and fundamental freedoms,

1. *Calls upon* all Member States to take all necessary measures to ensure that the achievements of scientific and technological progress and the intellectual potential of humankind are used for promoting and encouraging universal respect for human rights and fundamental freedoms;

2. *Invites* all Member States to implement relevant provisions and principles of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind[3] aimed at the promotion and protection of human rights and fundamental freedoms;

3. *Urges* the international community, in particular the relevant United Nations bodies, to promote universal access to knowledge and technology in order to facilitate the realization of all human rights;

4. *Strongly condemns* the use of results of scientific and technological progress and, in particular, the Internet for the dissemination of information and propaganda of ideas that entail abuse of human rights and fundamental freedoms, and calls upon Governments to take appropriate measures to control and to stop these phenomena;

5. *Decides* to examine this question at its fifty-seventh session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Belarus, Burundi, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Nigeria, Russian Federation, Sudan and United Republic of Tanzania: draft resolution

Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of humanitarian character

The General Assembly,

Recalling that, in accordance with Article 56 of the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action, in cooperation with the Organization, for the achievement of the purposes set forth in Article 55, including universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the Preamble to the Charter of the United Nations, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Considering that the promotion and protection of human rights are a matter of priority for the international community,

Considering also the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

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Recognizing that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world, as well as to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights,

Reaffirming that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations and that the promotion and protection of all human rights for all are the first responsibility of Governments,

Bearing in mind the various articles of the Charter of the United Nations setting out the respective powers and functions of the General Assembly, the Security Council and the Economic and Social Council,

Taking into account that, in accordance with Article 103 of the Charter of the United Nations, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,

Recalling that humanitarian assistance should be provided in accordance with and with due respect for the guiding principles contained in the annex to General Assembly resolution 46/182 of 19 December 1991, and recognizing the importance of the principles of neutrality, humanity and impartiality for the provision of humanitarian assistance,

1. *Affirms* the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of humanitarian character in full compliance with the Charter of the United Nations, inter alia, by the strict observance of all the principles set forth in its Article 2;

2. *Stresses* the vital role of the work of United Nations and regional arrangements, acting consistently with the purposes and principles enshrined in the Charter of the United Nations, in promoting and encouraging respect for human rights and for fundamental freedoms, as well as in solving international problems of humanitarian character, and affirms that no State or group of States has the right to intervene unilaterally in any other State, particularly through armed force;

3. *Calls upon* all States to cooperate fully in the search for peaceful solutions to international problems of humanitarian character and to comply strictly, in their actions towards that purpose, with basic principles and norms of international law, inter alia, through the full respect for international human rights and humanitarian law;

4. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system, and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

5. *Decides* to consider this question at its fifty-sixth session under the item entitled "Human rights questions".

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Bangladesh, Benin, Burkina Faso, China, Cuba, Egypt, Gambia, Ghana, Indonesia, Iran (Islamic Republic of), Liberia, Mauritania, Nigeria, Pakistan, Saint Lucia, Samoa, Suriname and Viet Nam: draft resolution

Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3]

Reaffirming the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more susceptible to external developments, positive as well as negative, including in the field of human rights,

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[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See resolution 2200 A (XXI), annex.

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Realizing also that globalization is not merely an economic process, but also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Recognizing that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Alarmed over the instability and unpredictability generated by unhampered movement of capital in some countries resulting from the liberalization of capital markets and its extremely negative impact on the full enjoyment of all human rights by peoples of those countries,

Emphasizing that the core value of respect for life, liberty, justice, tolerance and mutual respect as enunciated in the Charter and the Universal Declaration of Human Rights should be guiding objectives of globalization with a human face,

Deeply concerned that the widening gap between the developed and the developing countries has deepened poverty and adversely affected the full enjoyment of all human rights by peoples, particularly in developing countries,

Noting that human beings strive for a world that is respectful of cultures, identities and human rights and that, in that regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Emphasizes* that narrowing the gaps between rich and poor, both within and between all countries, should be the explicit global goal as part of the effort to create an enabling environment for the full enjoyment of all human rights by all peoples and for the eradication of poverty;

3. *Underlines* therefore the need to analyse the consequences of globalization on the full enjoyment of all human rights;

4. *Affirms* the importance of establishing an open, rule-based, accountable, predictable, just, equitable, comprehensive, development-oriented and non-discriminatory system of social and economic relations for the full enjoyment of all human rights;

5. *Expresses concern* that while globalization holds out the promise of prosperity, it brings with it severe challenges for the developing countries and that the promise of prosperity has not touched the vast majority of the world's population, especially in the least developed countries, which affects the economic, social and cultural rights of their people;

6. *Stresses* that globalization has to be monitored and managed with a view to enhancing its positive impact and alleviating its negative consequences on the enjoyment of all human rights, both at the national and international levels;

7. *Affirms* that globalization is a complex historical process of structural transformations, with numerous interdisciplinary aspects, and has a direct impact on the enjoyment of civil, political, economic, social and cultural rights, as well as the right to development, at both the national and international levels;

8. *Takes note* of the preliminary report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights,[4] and requests the Secretary-General to submit a comprehensive report on this subject to the fifty-sixth session of the General Assembly.

[4] A/55/342.

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Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andora, Austria, Belgium, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Poland, Portugal, San Marino, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all Members States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 54/177 of 17 December 1999, and taking note of Commission on Human Rights resolution 2000/28 of 18 April 2000,[5]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 44/25, annex.
[5] *Official Records of the Economic and Social Council, 2000, Supplement No. 23* (E/2000/23), chap. II, sect. A.

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1. *Welcomes*:

(a) The interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran;[6]

(b) The broad participation in the parliamentary elections held during February and March 2000, which expressed the true commitment of the Iranian people to the democratic process in the Islamic Republic of Iran;

(c) The commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention, and to reform the judicial and penitentiary system and bring it into line with international human rights standards in this field;

(d) The visit to the Islamic Republic of Iran of a technical cooperation needs assessment mission from the Office of the United Nations High Commissioner for Human Rights, and encourages the follow-up of this mission;

2. *Notes*:

(a) The provisions of the new code of penal procedures, which provide for the attendance of lawyers for all kinds of lawsuits, and the projected judiciary reform, which aims, in particular, at re-establishing a distinction between the offices of the judge and prosecutor;

(b) The legal changes recently put into effect within the Iranian judicial system by which members of religious minorities are no longer obliged to state their confession when applying for a marriage licence;

(c) Evolution observed with regard to the status of women in areas such as education, training and health;

(d) The bill currently under consideration that aims at raising the age of marriage;

(e) The work of the Islamic Human Rights Commission on the human rights situation in the Islamic Republic of Iran and, in particular, its efforts to investigate illegal detentions and disappearances;

3. *Expresses its concern*:

(a) At the fact, that since 1996, no invitation has been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country;

(b) At the deterioration of the situation with regard to freedom of opinion and expression, in particular at restrictions on freedom of the press, judiciary suspension of numerous newspapers, censorship of publications and the arrest of journalists, political activists and intellectuals on the basis of laws related to national security, which are used as a pretext to deny or restrict freedom of expression, opinion and thought;

[6] A/55/363.

(c) At the continuing violations of human rights in the Islamic Republic of Iran, in particular executions, in the apparent absence of respect for internationally recognized safeguards, and cases of torture and other cruel, inhuman or degrading treatment or punishment;

(d) At the failure to comply fully with international standards in the administration of justice, the absence of guarantees of due process of law and the absence of respect for internationally recognized legal safeguards, including against persons belonging to religious minorities;

(e) At the discrimination against persons belonging to religious minorities, in particular the unabated pattern of persecution against the Baha'is, including the continuing detention and the sentencing to death of some of them;

(f) At the continuing discrimination in law and in practice against women, who still lack full and equal enjoyment of their human rights, as reported by the Special Representative;

4. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To invite the Special Representative to visit the country and to resume its full cooperation with him, in particular so that he can study the evolution of the human rights situation in the country, including through direct contacts with all sectors of society, and to make full use of technical cooperation programmes in the field of human rights;

(b) To give effect, in the near future, to its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran;

(c) To consolidate respect for human rights and the rule of law and to abide by its freely undertaken obligations under the International Covenants on Human Rights[2] and under other international human rights instruments;

(d) To make efforts to ensure the full application of due process of law and fair and transparent procedures by the judiciary and, in this context, to ensure the respect for the rights of the defence and the equity of the verdicts in all instances, including for members of religious minority groups;

(e) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards and to provide the Special Representative with relevant statistics on this matter;

(f) To accelerate the process of the investigation into the suspicious deaths and killings of intellectuals and political activists and to bring the alleged perpetrators to justice;

(g) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities;

(h) To implement fully the conclusions and recommendations of the Special Rapporteur with regard to religious intolerance relating to the Baha'is and other minority religious groups[7] until they are completely emancipated;

(i) To take all necessary steps to end the use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation;

(j) To take further measures to promote full and equal enjoyment by women of their human rights;

5. *Decides* to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at the fifty-sixth session under the item entitled "Human Rights questions", in the light of additional elements provided by the Commission on Human Rights.

[7] Ibid., para. 110.

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

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Human rights situation in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 for the protection of victims of war,[3]

Recalling its previous resolutions and those of the Commission on Human Rights on the subject, and taking note of the most recent, Commission resolution 2000/17 of 18 April 2000,[4]

Recalling Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, Council resolutions 687 (1991) of 3 April 1991

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[4] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

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and 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999 and 1302 (2000) of 8 June 2000, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, and Council resolution 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia raised the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievements in meeting the humanitarian needs of the Iraqi population, and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third-country nationals referred to in paragraph 30 of Council resolution 687 (1991),

Taking note of the concluding observations of the Human Rights Committee,[5] the Committee on the Elimination of Racial Discrimination,[6] the Committee on Economic, Social and Cultural Rights,[7] and the Committee on the Rights of the Child[8] on the recent reports submitted to them by Iraq, in which these treaty-monitoring bodies point to a wide range of human rights problems and hold the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular children,

Taking note also of the reports of the Secretary-General concerning the implementation of Security Council resolutions 986 (1995),[9] 1111 (1997),[10] 1143 (1997),[11] 1175 (1998),[12] 1210 (1998),[13] 1242 (1999)[14] and 1302 (2000),[15]

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire humanitarian situation in Iraq, which particularly affects certain vulnerable groups, including children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the

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[5] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vol. I, paras. 90-111.

[6] Ibid., *Fifty-fourth Session, Supplement No. 18* (A/54/18), paras. 337-361.

[7] See *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22), paras. 245-283.

[8] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 41* (A/55/41), paras. 304-333.

[9] S/1996/1015; see *Official Records of the Security Council, Fifty-first Year, Supplement for October, November and December 1996*.

[10] S/1997/935.

[11] S/1998/90, S/1998/194 and Corr.1 and S/1998/477.

[12] S/1998/823 and S/1998/1100.

[13] S/1999/187 and S/1999/573 and Corr.2.

[14] S/1999/896 and Corr.1 and S/1999/1162 and Corr.1.

[15] S/2000/857.

humanitarian programme established by the Security Council in its resolution 986 (1995),

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[16] and the observations, conclusions and recommendations contained therein;

2. *Notes with dismay* that there has been no improvement in the situation of human rights in the country;

3. *Strongly condemns*:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(c) The repression faced by any kind of opposition, in particular the harassment and intimidation of, and threats against, Iraqi opponents living abroad and members of their families;

(d) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[2] and the United Nations safeguards;

(e) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, and consistent and routine failure to respect due process and the rule of law;

(f) Widespread, systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

4. *Calls upon* the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Rapporteur to visit the country and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any

[16] See A/55/294.

purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of the authority of the State;

(g) To ensure free exercise of political opposition and to prevent intimidation and repression of political opponents and their families;

(h) To respect the rights of all ethnic and religious groups and to cease immediately its repressive practices aimed at the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkuk and Khanaqin, and at the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, as well as to ensure the physical integrity of all citizens, including the Shi'a population, and to guarantee their freedoms;

(i) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose, to cooperate with the high-level coordinator of the Secretary-General for Kuwaitis and third-country nationals and Kuwaiti property, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees, and to issue death certificates for deceased prisoners of war and civilian detainees;

(j) To cooperate further with international aid agencies and non-governmental organizations in providing humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999), 1281 (1999) and 1302 (2000), and to cooperate, together with all concerned, in the implementation of the sections on humanitarian questions of Security Council resolution 1284 (1999), to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including the population in remote areas, of all humanitarian supplies purchased under the oil-for-humanitarian-goods programme, to address effectively the needs of vulnerable groups, including children, pregnant women, the disabled, the elderly and the mentally ill, among others, to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers

throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian assistance without the need to demonstrate that they have resided for six months at their places of temporary residence;

(l) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

5. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate, and decides to continue the examination of the situation of human rights in Iraq at its fifty-sixth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

United Nations A/C.3/55/L.51

General Assembly

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Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and special representatives

Argentina, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Lithuania, Luxembourg, Netherlands, Norway, Portugal, Romania, Spain, Sweden, and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments and to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child,[3] the African Charter on Human and Peoples' Rights[4] and the Geneva Conventions of 12 August 1949,[5]

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2000/27 of 18 April 2000,[6]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 44/25, annex.
[4] United Nations, *Treaty Series*, vol. 1520, No. 26363.
[5] Ibid., vol. 75, Nos. 970-973.
[6] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

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Aware of the urgent need that the Government of Sudan implement effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflicts,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment to encourage respect for human rights in the Sudan,

1. *Welcomes*:

(a) The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;[7]

(b) The visit by the Special Rapporteur to the Sudan in February-March 2000 at the invitation of the Government of the Sudan and the excellent cooperation extended by the Government in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur;

(c) The signing of the Agreement of 29 March 2000 between the Sudanese Government and the Office of the High Commissioner for Human Rights;

(d) The activities of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of the Sudan, the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(e) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(f) Recent efforts to improve freedom of expression, association, the press and assembly, in particular the adoption of the Political Organization Act, 2000, and the announcement relating to the creation of a High Commission to review the Law on Public Order;

(g) The efforts to implement the right to education;

(h) The invitation extended by the Government of the Sudan to the Special Rapporteur on religious intolerance;

(i) Leniency measures towards a wide number of women jailed by the Sudanese Government, which led to their release;

(j) The release of political prisoners and the measures taken to allow the return of exiled opposition members;

(k) The recent sheltering given by the Sudan to new groups of refugees;

(l) The commitments undertaken by the Sudanese People's Liberation Army during the visit to Rumbek, southern Sudan, of Carol Bellamy, Executive Director of the United Nations Children's Fund, not to recruit into its armed forces children below the age of 18, and to demobilize all child soldiers still remaining in the military and hand them over for reintegration to the competent civil authorities;

[7] A/55/374.

2. *Expresses its deep concern*:

(a) At the impact of the current armed conflict, worsened by the breaking down of the ceasefire in June 2000 and by the upsurge of armed confrontations, on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and continuing serious violations of human rights and international humanitarian law by all parties, in particular:

(i) The occurrence of cases of summary or arbitrary execution resulting from conflict between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudanese People's Liberation Army;

(ii) The occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) The abduction of women and children to be subjected to forced labour or similar conditions;

(iv) The indiscriminate aerial bombardments seriously and recurrently affecting civilian populations and installations, particularly bombings of schools and hospitals, including during "the days of tranquillity" which had been agreed for the purpose of ensuring a peaceful polio vaccination campaign, as well as the use of civilian premises for military purposes;

(v) The use of weapons, including landmines, against the civilian population;

(vi) The forced displacements of populations;

(vii) The conditions imposed by the Sudanese People's Liberation Army on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with potentially grave consequences for the already endangered situation of thousands of people living in that region;

(viii) The difficulties encountered by United Nations and humanitarian staff in carrying out their work in support of civilian populations because of daily harassment, indiscriminate aerial bombings and the reopening of hostilities;

(b) At the persistence of violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Precarious conditions of detention, frequent use of torture, arbitrary detentions, interrogations, and violations of human rights by the security organs;

(ii) Acts of intimidation and harassment against the civilian population;

(iii) The persistence of severe restrictions on freedom of religion and peaceful assembly and of obstacles to freedom of expression and association;

(iv) The application of severe and inhuman punishments;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To work immediately in order to put in place a global, lasting and effectively monitored ceasefire as part of a negotiated settlement to the conflict;

(b) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(c) To stop immediately the use of weapons, including landmines, against the civilian population, which runs counter to principles of humanitarian law, to stop attacks on sites that usually have a significant presence of children and to stop immediately the use of civilian premises for military purposes;

(d) To grant full, safe and unhindered access to international agencies and humanitarian organizations in order to facilitate by all means possible the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in Bahr el-Ghazal, the Nuba Mountains, the Western Upper Nile and the Blue Nile State, and to continue to cooperate in this regard with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan in the delivery of such assistance. In particular, the Sudanese People's Liberation Army is urged to resume negotiations as soon as possible with a view to the withdrawal of the conditions imposed on the work of international agencies and humanitarian organizations;

(e) In particular, the Sudanese People's Liberation Army is urged not to misappropriate assistance;

(f) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development;

(g) Not to use or recruit children under the age of eighteen as soldiers. The Sudanese People's Liberation Army is urged not to use or recruit children under the age of eighteen as soldiers, and to refrain from the practice of forced conscription;

(h) To fulfil their commitments concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines, the abduction and exploitation of children and the recruitment of children as soldiers, to advance the demobilization and reintegration of child soldiers, and to ensure access to displaced and unaccompanied minors;

(i) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross and subsequently killed while in the custody of the Sudanese People's Liberation Movement/Army, and urges the Sudanese People's Liberation Movement/Army to return the bodies to their families;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under the international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To strengthen its efforts to ensure the rule of law by bringing legislation into line with the Constitution and the effective practice of law enforcement;

(c) To continue its efforts to bring its national legislation into conformity with the applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to prevent and to end all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, to investigate all reported human rights violations, including acts of torture, brought to its attention and to prosecute those responsible for these acts, bringing an end to the climate of impunity;

(e) To ratify quickly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(f) To attend to the full utilization of all means to ensure that no severe and inhuman punishments are enforced and executed;

(g) To reinforce the action undertaken to prevent and stop abductions of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures, in particular through the Committee for the Eradication of Abduction of Women and Children;

(h) To stop definitively the indiscriminate aerial bombardment of civilian and humanitarian targets, which runs counter to fundamental principles of human rights and humanitarian law;

(i) To make further efforts to effectively address the problem of internally displaced persons, whose number has increased, including ensuring their access to effective protection and assistance;

(j) To continue to implement its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(k) To continue efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of 18 as soldiers;

(l) To raise the age of the criminal responsibility for children in order to take in account the observations of the Committee on the rights of the child;

(m) To implement the Standard Minimum Rules for the Treatment of Prisoners[9] and to give special consideration to imprisoned women and juveniles;

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[8] Resolution 39/46, annex.

[9] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.

5. *Encourages* the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to establishing a permanent representation of the High Commissioner;

6. *Encourages* the Office of the High Commissioner to continue to take into consideration requests for assistance by the Government of the Sudan, inter alia, with a view to establishing a permanent representation of the High Commissioner as a matter of priority;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

8. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-sixth session under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.

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Fifty-fifth session
Third Committee
Agenda item 114 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Cuba, Denmark, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Monaco, Netherlands, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Spain, Sweden, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland:
draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons and its previous resolutions on the question of enforced or involuntary disappearances, in particular resolution 53/150 of 9 December 1998,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Expressing concern that, according to the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, the practice of a number of States can run counter to the Declaration,

Deeply concerned, in particular, by the intensification of enforced disappearances in various regions of the world and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

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[1] Resolution 217 A (III).

Emphasizing that impunity with regard to enforced disappearances contributes to the perpetuation of this phenomena and constitutes one of the obstacles to the elucidation of its manifestations,

Welcoming the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court,[1] come within the jurisdiction of the Court as crimes against humanity,

Bearing in mind Commission on Human Rights resolution 2000/37 of 20 April 2000,[2]

Taking note of the transmission by the Subcommission on the Promotion and Protection of Human Rights of the Commission on Human Rights of a draft international convention on the protection of all persons from enforced or involuntary disappearance,[3]

Convinced that further efforts are needed to promote wider awareness of and respect for the Declaration, and taking note in this regard of the report of the Secretary-General,[4]

1. *Reaffirms* that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights[5] and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. *Urges* all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through technical assistance;

3. *Calls upon* Governments to take steps, when a state of emergency is introduced, to ensure that the protection of human rights is ensured, in particular as regards the prevention of enforced disappearances;

4. *Reminds* Governments that impunity with regard to enforced disappearances contributes to perpetuate this phenomena and constitutes one of the obstacles to the elucidation of its manifestations, and, in this respect, of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances whenever there is a reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. *Once again urges* the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected.

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[1] A/CONF.183/9.

[2] *Official Records of the Economic and Social Council, 2000, Supplement No. 23* (E/2000/23), chap. II, sect. A.

[3] E/CN.4/Sub.2/1998/19, annex.

[4] A/55/289.

6. *Encourages* States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

7. *Requests* all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in local languages;

8. *Notes* the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on the Promotion and Protection of Human Rights of the Commission on Human Rights;

9. *Requests* the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, in the continued exercise of its mandate, to take into account the provisions of the Declaration and to modify its working methods, if necessary;

10. *Recalls* the importance of the Working Group, the primary role of which is, as described in its reports, to act as a channel of communication between the families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated, and to ascertain whether such information falls under its mandate and contains the required elements, and invites the Group to continue to seek the views and comments of all concerned, including Member States, in the preparation of its report;

11. *Invites* the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and, in this regard, to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

12. *Encourages* the Working Group to continue to consider the question of impunity, in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteurs appointed by the Subcommission on the Promotion and Protection of Human Rights;[7]

13. *Requests* the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

14. *Appeals* to the Governments concerned, in particular those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

15. *Encourages* the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Group to fulfil its mandate even more effectively;

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[7] E/CN.4/Sub.2/1997/8 and E/CN.4/Sub.2/1997/20/Rev.1

16. *Expresses its profound thanks* to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Group to visit their countries, asks them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

17. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Group to the Commission at its fifty-seventh session;

18. *Renews* its requests to the Secretary-General to continue to provide the Working Group with all the facilities it requires to perform its functions, especially for carrying out missions and following them up;

19. *Requests* the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

20. *Also requests* the Secretary-General to submit to it at its fifty-seventh session a report on the steps taken to implement the present resolution;

21. *Decides* to consider the question of enforced disappearances, and in particular the implementation of the Declaration, at its fifty-seventh session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Fifty-fifth session
Third Committee
Agenda item 114 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Angola, Bangladesh, Benin, Botswana, Burundi, Cambodia, China, Colombia, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, El Salvador, Indonesia, Iran (Islamic Republic of), Ireland, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Mexico, Myanmar, Namibia, Nigeria, Peru, Rwanda, Sudan, Suriname, Syrian Arab Republic, Viet Nam, Yemen, Zambia and Zimbabwe: draft resolution

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodies in international law, especially the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant instruments,

[1] Resolution 217 A (III).

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Recalling its previous resolutions in this regard,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[3]

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and on countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. *Reaffirms* that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. *Calls upon* all Member States to base their activities for the protection and promotion of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and other relevant international instruments, and to refrain from activities that are inconsistent with that international framework;

4. *Considers* that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms, as a legitimate concern of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. *Requests* all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. *Expresses its conviction* that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. *Stresses*, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. *Invites* Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. *Requests* the Commission on Human Rights to take duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

11. *Takes note* of the report of the Secretary-General,[4] and further requests the Secretary-General to ask Member States to present practical proposals and ideas that should contribute to the strengthening of United Nations action in the field of human rights, through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this question to the General Assembly at its fifty-sixth session;

12. *Decides* to consider this matter at its fifty-sixth session under the item entitled "Human rights questions".

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[4] A/55/213 and Add.1